

Notice of Allowability

Application No.

10/621,070

Examiner

Randall Chin

Applicant(s)

SEBOR, PAVEL

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 05 July 2005.
2. ☒ The allowed claim(s) is/are 1-38 and 41-54.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet

RANDALL E. CHIN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Claims 1-37 are allowable over the Prior Art since the Prior Art fails to adequately teach or suggest all of the limitations of claims 1 or 28, particularly, an apparatus for cleaning surfaces submerged in a fluid, a partition wall that extends into the flow passage such that the flow of fluid and debris are constrained to pass through an opening formed thereby, a valve operable within the flow passage for interrupting fluid flow therethrough during an oscillation thereof, and a retractable element moveable generally longitudinally between the valve and the partition wall for reducing a gap formed therebetween.

Claims 38 and 41-54 are allowable over the Prior Art since the Prior Art fails to adequately teach or suggest all of the limitations of claim 38, particularly, the flexible plate having an upper surface, a lower surface for contacting the surface to be cleaned, and a peripheral portion including a plurality of tongues extending outwardly thereabout, wherein a lower surface portion of the tongues curves upwardly, and a reinforcing element formed with each of the plurality of tongues for upwardly lifting the lower surface portion of the tongues from the surface to be cleaned, wherein the reinforcing element is confined within the peripheral portion of the flexible plate so as not to extend outwardly there beyond.

It will also be specifically pointed out that Claims 38 and 41-54 are allowable over the U.S. Patent to Atkins 6,122,794 (hereinafter Atkins) since Atkins fails to adequately teach or suggest all of the limitations of claim 38 particularly, a peripheral portion

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including a plurality of tongues extending outwardly thereabout, wherein a lower surface portion of the tongues curves upwardly, and a reinforcing element formed with each of the plurality of tongues for upwardly lifting the lower surface portion of the tongues from the surface to be cleaned, wherein the reinforcing element is confined within the peripheral portion of the flexible plate so as not to extend outwardly there beyond. Even if the upwardly projecting fins 16 (Fig. 2 of Atkins, for example) are construed as "tongues" having a lower surface portion that "curves upwardly", Atkins still would not adequately teach or suggest a "reinforcing element" (either gussets 6 or hinge sections 13 could be considered the "reinforcing element") formed with each of the plurality of tongues for upwardly lifting the lower surface portion of the tongues from the surface to be cleaned as shown and disclosed by Applicant's Figs. 22, 24 or 28.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1700. The examiner can normally be reached on Monday through Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



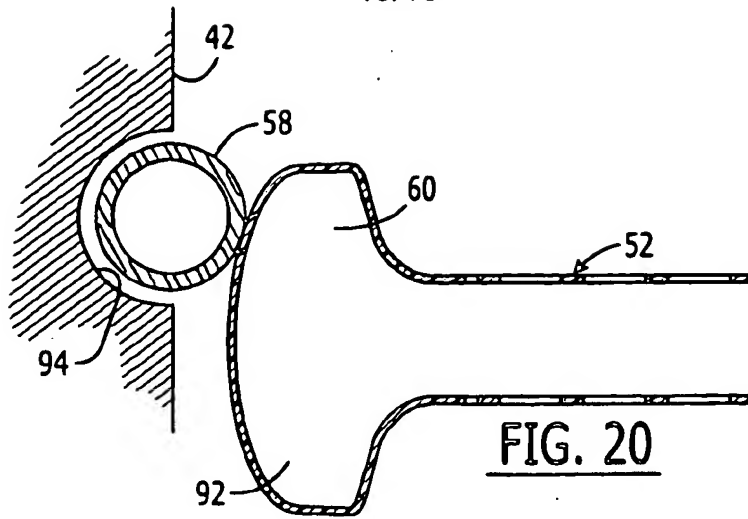
Randall Chin
Primary Examiner
Art Unit 1744



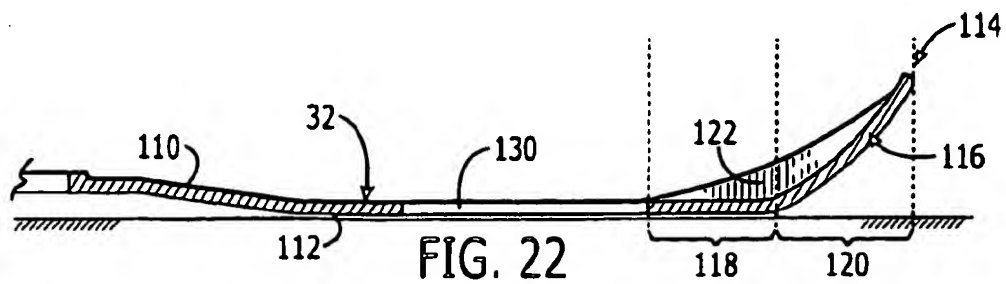
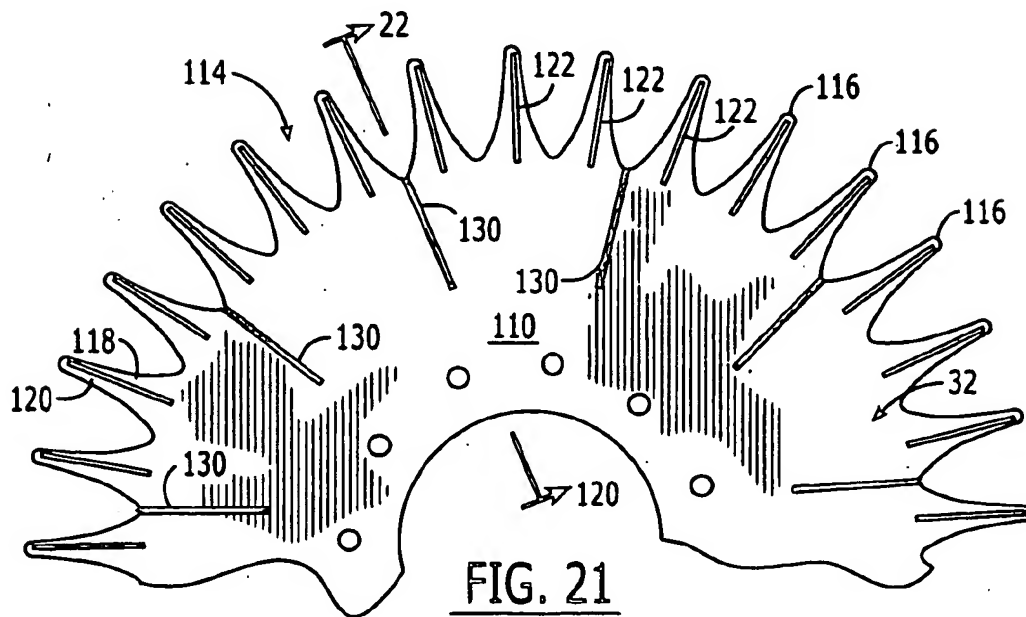
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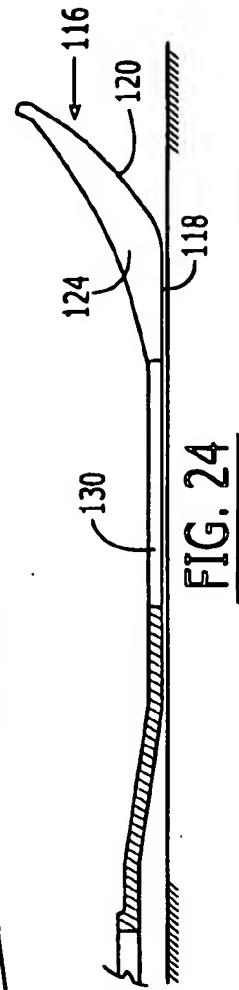
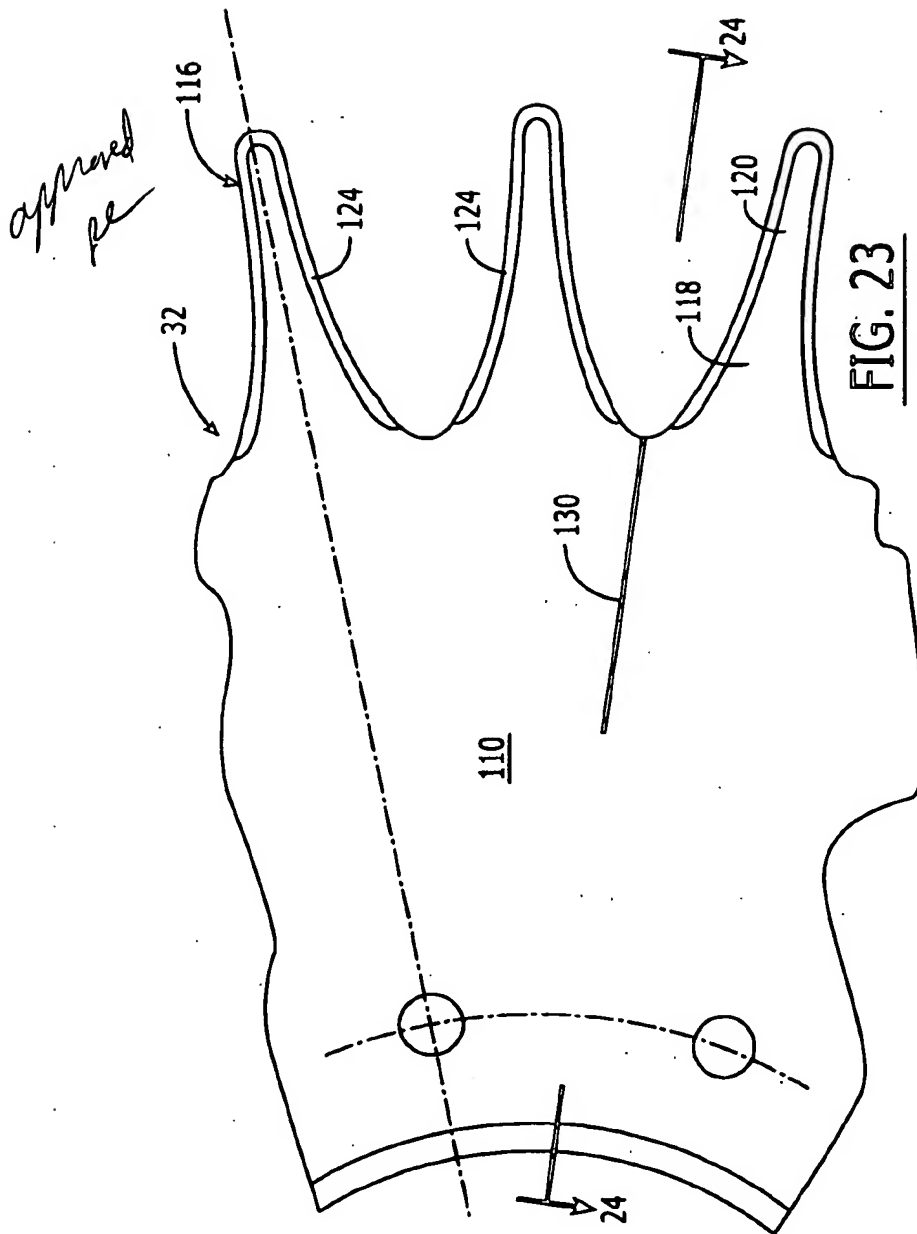
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